

16 November 2006

Legal Services Agency Board

Report on Public Defence Service Pilot against the Statement of Service

Purpose

- 1 This report informs you of the performance of the Public Defence Service pilot (PDS) against the Statement of Service for the period 1 July to 31 October 2006.

Statement of Service

- 2 It was anticipated that the annual review of the Statement of Service would be concluded as no feedback was received from the New Zealand Law Society (NZLS). However, additional internal feedback was provided and the NZLS has also now provided comments. This has been reviewed with the Public Defender and the Statement of Service review can now be finalised.

Performance against Planning Forecast and Budget

- 3 Under the Statement of Service, from 1 July 2005 the maximum percentage of cases to be assigned to PDS is 33%. Actual assignments from 1 July to 31 October 2006 are at 20% in Auckland and 21% at Manukau. This represents 416 assignments in Auckland and 382 in Manukau.
- 4 Attached to this report are tables showing the total assignments made against those forecast from 1 July to 31 October 2006. Assignments are currently on track to reach forecast levels for the year.
- 5 Duty solicitor hours are on track to achieve the agreed performance measure, albeit at the lower end of the performance range.
- 6 The methodology for calculation of notional revenue has been reviewed. It has been determined that the original method used to calculate the average case cost took into account a small number of unusually high cost cases, thereby increasing the average case cost. Calculating the average case cost without taking these unusually high cost cases into account has meant that the average case cost has been reduced with a consequent impact on PDS notional revenue. This is currently significantly below year to date planned notional revenue; however, it is anticipated that this will adjust to meet notional revenue projections over the balance of the year.
- 7 PDS expenditure is within forecasted expenditure levels allocated to the PDS.

Service delivery

- 8 Case management, operational and administrative systems and processes continued to work well. Professional standards were maintained in terms of the Professional Code of Conduct and the Code of Conduct for PDS Lawyers and Other PDS Employees.
- 9 A complaint to the Auckland District Law Society was made by a client whose charges were dismissed, but was dissatisfied with the service provided. The Auckland District Law Society found that the complaint was baseless.

Communications

- 10 PDS staff attended the following:
 - Visit from the Minister of Justice, the Honourable Mark Burton
 - Maori Lawyers Conference
 - Mangere Community Law Centre opening of new premises
 - New Zealand Women's Lawyer function
 - Monthly meeting of Manukau District Court users
 - Police prosecutions meeting to review E bail
 - Restorative justice hui
 - Interview of the Deputy Public Defender on Radio Waatea
- 11 As previously advised, the development of a reporting regime for various groups, including the Auckland District Law Society, the Criminal Bar Association, and the NZLS remains outstanding due to resource issues and other work priorities. Once finalised, reports covering the 2005/06-year will be prepared.

Risks

- 12 There is a risk that the change in calculation of average case cost and resultant adverse impact on notional revenue will result in the PDS being unable to achieve the agreed performance measures. This will be monitored.

Recommendations

- 13 It is recommended that the Board

a) **Note** the content of this report

YES/NO

Margaret Pearson
Manager Service Contracts

Assignments for the period 1 July to 31 October 2006

Auckland Court	Number of cases and assignment type					Assignment percentages		
Case Category	Private Preferred	PDS Preferred	Private On-Rotation	PDS On-Rotation	Total number of cases	% Private Providers	% PDS	% available On-Rotation
1	868	104	456	250	1,678	79%	21%	42%
2	141	8	54	36	239	82%	18%	38%
3	51	5	18	6	80	86%	14%	30%
4	21	1	12	6	40	83%	18%	45%
Grand Total	1,081	118	540	298	2,037	80%	20%	41%

Manukau Court	Number of cases and assignment type					Assignment percentages		
Case Category	Private Preferred	PDS Preferred	Private On-Rotation	PDS On-Rotation	Total number of cases	% Private Providers	% PDS	% available On-Rotation
1	746	71	540	291	1,648	78%	22%	50%
2	29	1	18	7	55	85%	15%	45%
3	41	4	16	7	68	84%	16%	34%
4	22	1	9		32	97%	3%	28%
Grand Total	838	77	583	305	1,803	79%	21%	49%